



Memorandum

TO: City Council

FROM: Mayor Ron Gonzales

SUBJECT: Appropriation for Retention of
An Independent Investigator

DATE: November 5, 2004

Approved

Date

11/5/04

RECOMMENDATION

Authorize an appropriation of \$50,000 for the mayor to hire an independent investigator to investigate allegations regarding wrongful termination and improper or illegal conduct by Councilmember Gregory.

BACKGROUND

Shortly before noon on Tuesday, November 2, 2004, I received a copy of a wrongful termination claim filed with the City Clerk's Office by Craig Mann, former chief of staff for Councilmember Gregory. His claim raises very serious allegations about conduct and statements creating a hostile work environment that could expose the City to financial risk and challenge the ethics standards of the City Council.

In response to such a claim by a former employee of a council office, based on past practice it is the responsibility of the Mayor to investigate and make appropriate recommendations for action. In addition, this investigation will consider other allegations about illegal or improper conduct that are relevant to this matter, including issues related to possible violations of the City's gift ordinance, Council policies and ethics standards, and creation of a hostile work environment.

I recommend that this investigation be conducted by someone who has not conducted an investigation for the City or the Agency in order to ensure its independence. To this end I have asked the City Attorney for recommendations for firms qualified to do this work. If councilmembers have additional suggestions for qualified legal investigators, please forward them to the City Attorney by Wednesday, November 10. In consultation with the Attorney's Office, I will select the investigative firm and inform the Council. It is my goal is to hire an investigator as soon as possible, and I hope to complete this step by November 19.

Although we do not know how much time the investigation will require, I recommend that we make it our goal for it be completed within 60 days, with a status information memo to the City Council by December 14 regarding progress, work remaining, and schedule for completion.

As I outlined last week, the independent investigator will look into allegations against Councilmember Gregory including possible:

- Illegal or improper conduct
- Violations of the City's gift ordinance
- Violations of the Council policies and ethics standards
- Creation of a hostile work environment.

If there are other specific issues or allegations that should be added to this list, I ask that councilmembers submit them to me in writing no later than Friday, November 12, 2004, by 5:00 p.m.

There may be a need for the investigation to subpoena people or materials in order to conduct a full and complete inquiry. If this occurs, I will bring any request for subpoenas forward to the council to review and approve because the City Council cannot delegate its subpoena authority to the investigator.

The investigator will present the results of the investigation to the City Council at the conclusion of the investigation. I will forward my recommendation to the City Council regarding appropriate next steps at that time.

CONCLUSION

I am deeply dismayed by the allegations of improper conduct by one of our colleagues. As elected officials, we must maintain the public's trust and confidence. We must continue to respect the rights of Councilmember Gregory and follow due process before the council takes any specific action, we now have greater urgency to deal with this matter.

COORDINATION

This Memo was coordinated with the City Attorney.